

State of New York
Unified Court System



Lawrence K. Marks
Chief Administrative Judge

May 31, 2019

Hon. Richard Thomas
Mayor
City of Mount Vernon
1 Roosevelt Square
Mount Vernon, New York 10550

64 25 Beaver Street
New York, N.Y. 10004
(212) 428-2100

Re: Mount Vernon City Court – Ongoing Maintenance Issues

I write to report, once again, the serious concerns of the Unified Court System (UCS) and the Office of Court Administration (OCA) over the current condition of the Mount Vernon City Court arising from the City's ongoing inability to clean and maintain that facility properly. Regrettably, this is not our first communication on this subject: over many months, we have reported a multitude of cleaning and maintenance problems at the facility, all of which have had an adverse impact upon court employees and the people of Mount Vernon. In addition, we have reported on numerous occasions certain structural deficiencies – serious problems in air conditioning units, and roof leakage – that compromise the building's proper use. Our efforts to resolve these problems through joint discussion and cooperative action have proved fruitless. In consequence, this letter will serve as notice that the Court System is exercising its power pursuant to Judiciary Law §39(3)(a) to notify the Comptroller to withhold State aid to the City in an appropriate amount until the City fulfills its statutory obligation to provide appropriate court facilities for public use. Concurrently, we will take steps to assure the proper cleaning and maintenance of that facility.

In brief recapitulation: for a lengthy period of time, the UCS has received and forwarded to the City reports from local court administrators describing the unsatisfactory conditions within the Mount Vernon City Courthouse. As early as September 2013, OCA representatives inspected the courthouse and observed sub-standard cleanliness and hygiene conditions, areas of water damage due to roof and facade leaks, and evidence of possible mold growth. Numerous additional reports on these conditions were made to the City in the years that followed. In April 2018, OCA representatives met with the City's new Department of Public Works Commissioner to discuss the issue and agreed to delay further action to allow the City an opportunity to rectify the continuing deficiencies.

The unacceptable conditions persisted throughout the summer of 2018, ultimately culminating in a failure of the building's central air conditioning system in September, resulting in unhealthy temperatures within the courtrooms and adjacent court offices. Despite numerous requests by OCA that the City repair this system, no action was taken: the UCS was compelled to

rent portable air conditioning units – noisy, disruptive, and expensive – simply to bring marginal relief to courtroom users during this crisis.

In October 2018, in response to the failure of the air conditioning system, Court System representatives met with City representatives, including yourself, to discuss the ongoing problems in the court facility; at that meeting we provided reports of cleaning and maintenance deficiencies. To date, none of the issues discussed at that meeting have been properly addressed. In January 2019, the building's lobby doors failed in the open position, leaving our court security officers exposed to single-digit temperatures. The City failed to complete any repairs and the Court System was forced to hire a contractor to repair the doors.

In sum: despite our many meetings – and even despite efforts to provide you with State aid to the extent permitted by law to correct these deficiencies – those issues remain unaddressed. (For example, we understand that, notwithstanding the approaching summer season, the air conditioning system has not been repaired.) As a result, the Court System is undertaking several steps to assure the continued operation of the City Court under appropriate conditions: (1) renting of portable A/C units and installing them in the courtrooms; (2) retaining vendors to perform cleaning and routine maintenance services; and (3) assessing repair costs for the building's air conditioning system and roof/facade leaks.

As you are aware, pursuant to the Court Facilities Act (L. 1987, c. 825) and the Rules of the Chief Judge (22 NYCRR 34.1, 34.2), the City of Mount Vernon is responsible for providing and maintaining a courthouse that is suitable and sufficient for the transaction of court business. In the event that the Chief Administrative Judge determines that the City has failed to meet this duty, he may notify the Comptroller of the value of the unmet obligation, and the Comptroller will deduct that amount from State aid payable to the municipality (Jud. Law §39[3][a]). We anticipate that this notice will issue to the Comptroller in the very near future.

To provide you with an approximation of the potential withholding by the comptroller, we obtained a cost estimate for the proper repair the building's air conditioning system, which totaled \$1.33 million. We are also in the process of obtaining similar estimates for repairs to address the roof and façade leaks, as well as the poor performance of the elevators, both of which will supplement the estimate for the air conditioning repairs.

The withholding of state aid is a serious step, and not one which the Court System takes lightly. However, in light of the history of inaction on these important problems, we deem that step necessary and appropriate. If you have any questions about this process, the OCA Facilities Counsel, William Clark (212-428-2965), is available to discuss the matter at your convenience.

OCA's Facilities Coordinator, Shawn Waterman (212-428-2971), will reach out to your office in the near future to discuss and coordinate the provision of cleaning services by UCS vendors as described above.

Very truly yours,

